(1) Supreme Court, U.S.
FILED

No. 991640 FEB 29 2000

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

RON SHAFER – PETITIONER

VS.

SUBURBAN NEWSPAPERS OF GREATER ST. LOUIS, INC., GRANITE CITY PRESS RECORD, MICHELLE DUELL, BOB BARTHELEMY, RANDY PRESSWOOD, FRED SHAFER, KATHY SMART SHAFER, BEAR FOOT, INC., MIKE MASEK, and DON REA. – RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF THE STATE OF ILLINOIS

PETITION FOR WRIT OF CERTIORARI

RON SHAFER, PRO SE
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44pp

PREFACE

Defendants who are public officials acted under color of state law in concert with Defendants who are private individuals to deprive Petitioner of rights guaranteed by the Fifth, Eighth, and Fourteenth Amendment to the United States Constitution. They defamed Petitioner at Pontoon Beach village meeting with words spoken with apparent authority of law but actually in contravention of law with the intent to deprive Petitioner of his rights. They used local police to enforce federal law concerning wetlands and to punish Petitioner after Petitioner was cleared (by team leader Mr. David Schulenberg, Enforcement Officer, USEPA Region 5, Water Division WW-16 J; 77 West Jackson Blvd, Chicago, IL 60604) of any wrongdoing concerning the dumping of liquid concrete into wetlands.

QUESTIONS PRESENTED FOR REVIEW

1. Did public officials acting under the color of law violate Petitioner's due process rights to earn an honest living guaranteed in Section 1 of the Fourteenth Amendment to the United States Constitution?

2. Did the Third Circuit Court deprive Petitioner of his Fourteenth Amendment constitutional rights by dismissing Petitioner's case on June 19, 1998 after Petitioner had raised the issue on June 17, 1998 with Motion for Continuance.

3. Did the Third Circuit Court of Madison County Illinois deprive Petitioner of his civil rights by dismissing Petitioner's case on June 19, 1998 (raised by Petitioner on June 17, 1998 with his Motion for Continuance) after Petitioner had raised the issue that public officials acted

in the apparent authority of the law, but actually in contravention of the law, depriving Petitioner of his civil rights?

4. Was Petitioner deprived of his rights without due process of law guaranteed by the Fifth Amendment to the U.S. Constitution when the Third Circuit Court of Madison County Illinois dismissed Petitioner's case on June 19, 1998 after Petitioner had raised his constitutional issues on June 17, 1998?

5. Did public officials violate federal law by concealing the illegal dumping of contaminated fuel oil tanks into federally protected wetlands and, in doing so, violate Petitioner's civil rights by using Petitioner's concrete business as a diversion?

6. Did public officials act under the color of law and the color of office by diverting USEPA enforcement to Petitioner Ron Shafer by defaming him and falsely accusing him of dumping liquid concrete into federally protected wetlands?

7. Did Defendants' actions deprive Petitioner of his property rights guaranteed by the Fifth and Fourteenth Amendments?

8. Did Defendants who are public officials act under the color of state law in concert with Defendants who are private individuals to deprive Petitioner of his rights guaranteed by the United States Constitution?

9. Did Defendants deprive Petitioner of his Fifth, Eighth, and Fourteenth Amendment rights by unjustly acting

under the color of state law by punishing Petitioner and putting him out of the concrete business by accusing him of dumping liquid concrete into federally protected wetlands after being expressly cleared of these charges by USEPA Wetlands Enforcement following their own exhaustive investigation and inspection of Petitioner's property?

10. Did Defendants Michelle Duell, the Suburban Newspapers of Greater St Louis Inc., and the Granite City Press Record have First Amendment right to illegally trespass on Petitioner's property with public officials?

11. Did Defendants Michelle Duell, the Suburban Newspapers of Greater St Louis Inc., and the Granite City Press Record have First Amendment right to defame Petitioner in the March 20, 1997 issue of their newspaper?

12. Did Defendants Michelle Duell, the Suburban Newspapers of Greater St Louis Inc., and the Granite City Press Record, as a private individual and as a newspaper act in conspiracy with state officials to deprive Petitioner of his civil rights?

13. Did the acts and omissions of truth of Defendants Michelle Duell, the Suburban Newspapers of Greater St Louis Inc., and the Granite City Press Record violate Petitioner's rights?

14. Did Petitioner Ron Shafer have his property rights violated under the Fifth and Fourteenth Amendments when the Pontoon Beach Police Department deprived

him of the right to finish his legal concrete jobs on his property?

15. Did public officials act under the color of law by depriving Petitioner of the delivery of liquid concrete to his property by using Pontoon Beach police to stop delivery of concrete by coercion of truck drivers and did these actions violate Petitioner's civil rights?

16. Did public officials deprive the Petitioner of rights guaranteed by the Eight Amendment to the United States Constitution against cruel and unusual punishment when they used Pontoon Beach police to unjustly enforce federal law concerning the Clean Water Act after Petitioner was completely cleared by the USEPA Wetland Enforcement on this issue?

17. Did public officials acting under the color of state law deprive Petitioner of rights guaranteed by the Fifth and Fourteenth Amendments?

18. Did Defendants, public and private, act in conspiracy to deprive Petitioner of his civil rights?

19. Are Defendants liable under the Civil Rights Act?

20. Does Petitioner have the right to seek money damages from Defendants who were personally involved in acts or omissions which violated Petitioner's rights?

21. Did Defendants' attorney Harry Sterling violate Petitioner's civil rights by concealing the fact that his client dumped contaminated fuel tanks in wetlands?

22. Did Defendants' attorney Harry Sterling violate Petitioner's civil rights by conspiring to make false statements concerning Petitioner's legal concrete work?

23. Can public officials use police under the color of law to deprive Petitioner of the legal use of his land when no city, county, state, or federal laws have been broken and, in so doing, deprive Petitioner of his civil rights and rights guaranteed by the U.S. Constitution?

24. Did Defendants violate Petitioner's civil right by passing themselves off as a United States Senator's staff so as to make false reports about Petitioner's concrete work to USEPA enforcement?

25. Did Defendants and attorney Harry Sterling violate Petitioner's civil rights by using Petitioner's legal concrete work as a diversion to their own illegal filling?

26. Did Defendants thwart a federal investigation by the USEPA into illegal wetland fill by concealing them from wetlands enforcement and violate Petitioner's civil rights by using him as a diversion?

27. Did building inspector Bob Barthelemy deprive Petitioner of privileges and immunities granted to citizens by the Fourteenth Amendment to the Constitution when he used FEMA federal guidelines concerning development in flood plains to stop Petitioner from finishing his concrete sidewalk in front of Petitioner's house, by designating the liquid concrete being used for the sidewalk as "fill"?

28. Did Pontoon Beach officials violate Petitioner's rights guaranteed by the Fifth, Eighth, and Fourteenth Amendments to the Constitution when they directed

Pontoon Beach police to seize Petitioner's property (liquid concrete) and have it delivered to Barker Trucking for a parking lot being built by Barker Trucking in a flood plain and wetland area that was illegally filled without a 404 Army Corps of Engineers permit, also in violation of FEMA federal guidelines concerning development in a flood plain.

LIST OF PARTIES

Ron Shafer - Petitioner

Suburban Newspapers of Greater St. Louis, Inc.
Granite City Press Record,
Michelle Duell,
Bob Barthelemy,
Randy Presswood,
Fred Shafer,
Kathy Smart Shafer,
Bear Foot, Inc.
Mike Masek,
Don Rea – Respondents

TABLE OF CONTENTS

QUESTIONS PRESENTED FOR REVIEW..... i

LIST OF PARTIES vii

TABLE OF CONTENTS viii

INDEX TO APPENDICES.....ix

TABLE OF AUTHORITIES x

STATUTES AND RULES xi

OPINIONS BELOW.....1

JURISDICTION.....1

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....2

STATEMENT OF THE CASE.....3

REASONS FOR GRANTING THE WRIT.....13

CONCLUSION.....14

INDEX TO APPENDICES

Motion for Continuance .....App. 1

Order Case Order dismissed .....App. 4

Post-Judgement Motion .....App. 5

Order Post-Judgement Motion stricken or moot .....App. 7

Notice of Appeal .....App. 8

Order Dismissed appeal .....App. 16

Order Petition for Leave to Appeal to Illinois
Supreme Court Denied .....App 17

TABLE OF AUTHORITIES CITED

CASES

1. Pierson v. Ray, 386 U.S. 547 (1967); 42 U.S.C. sec. 1983. Showed that individuals acting under color of state law may not deprive citizens of rights guaranteed by the Constitution of the United States.

2. Dennis v. Sparks, 449 U.S. 24 (1980) Shows private individual acting in conspiracy with state officials to deprive an individual of his/her civil rights are liable under Civil Rights Act.

3. Adkics v. Kress & Co., 398 U.S. 144 (1970) Shows private individual acting in conspiracy with state officials to deprive an individual of his/her civil rights are liable under Civil Rights Act.

4. Crowder v. Lash, 687 F.2d 996 (7th Cir., 1982) Shows an individual may seek money damages from those persons who were personally involved in acts or omissions that violated his/her rights.

STATUTES AND RULES

1. First Amendment of the United States Constitution.
2. Fifth Amendment of the United States Constitution.
3. Eighth Amendment of the United States Constitution.
4. Fourteenth Amendment of the United States Constitution.
5. Civil Rights Act 42 USC Sec 1983.

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgement below.

OPINIONS BELOW

On June 17, 1998, filed Motion for Continuance regarding Petitioner's civil rights. No. L202.

On June 19, 1998 Motion for Continuance, where Petitioner raised constitutional issues, was dismissed.

On Nov 13, 1998, Madison County Circuit Court denies Plaintiff Post-Judgement Motion filed 7-20-98.

Plaintiff Post-Judgement Motion filed 7-20-98.

Plaintiff appeal to Fifth District Appellate Court dismissed for lack of jurisdiction Aug 20, 1999. No. 5-98-0828

Plaintiff's appeal to Supreme Court of Illinois Dec 1, 1999 dismissed for lack of jurisdiction. No. 88423

JURISDICTION

Jurisdiction is outlined in statues involved listed below, the United States Constitution, and the Civil Rights Act 42 USC Sec 1983.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATUATORY PROVISIONS

The jurisdiction of the Supreme Court of the United States is conferred by 28 U.S.C. ¶1254(a)[1] and/or 28 U.S.C. ¶2101[2] to review cases in the courts of appeals by write of certiorari upon the petition of any party of any civil case before or after rendition of judgement or decree.

CONSTITUTIONAL PROVISIONS

Amendment I to the Constitution of the United States reads as follows:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment V to the Constitution of the United States reads as follows:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or

property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VIII to the Constitution of the United States reads as follows:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment XIV Section 1 to the Constitution of the United States reads as follows:

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Civil Rights Act 42 USC Sec 1983.

STATEMENT OF THE CASE

Petitioner was deprived of rights guaranteed by the Constitution of the United States. After being unjustly accused of dumping liquid concrete into wetlands against federal law, Petitioner was cleared by USEPA enforcement of any and all wrongdoing with his liquid concrete business. Defendants' general intent was to portray Petitioner as someone who was violating federal law by defaming him at

public meetings, while acting under the color of state law, in order to create a diversion to thwart a federal investigation by USEPA enforcement into their own wetlands violations. Defendants, who were Pontoon Beach public officials, violated federal law by concealing the illegal dumping of fuel oil tanks into wetlands. Furthermore, these same public officials used the Pontoon Beach Police to unjustly and without cause punish Petitioner by depriving him of his concrete and concrete business knowing full well that he had been cleared by USEPA enforcement. Defendants have not been cleared.

Petitioner believes that the facts support allegations forming the basis of valid causes of action against the various Defendants including facts that will overcome the various defenses raised by the Defendants in their pleadings. Defendants' actions deprived Petitioner of his property rights guaranteed by the Fifth and Fourteenth Amendments of the U.S. Constitution.

Defendants who are public officials acted under the color of state law in concert with Defendants who are private individuals to deprive Petitioner of his rights guaranteed by the United States Constitution. Petitioner is out of the concrete business and has been unjustly punished as a lawbreaker by Defendants after being cleared by USEPA Wetlands Enforcement. Wherefore Petitioner was deprived of his Fifth, Eight, and Fourteenth Amendment rights by private individuals and public officials acting in conspiracy.

PETITIONER'S LEGAL USE OF LIQUID CONCRETE

Petitioner Ron Shafer had been receiving liquid concrete, left over from various construction jobs, from the Kienstra Concrete Company at little or no cost. Since the concrete company needed to remove the liquid concrete from the various work sites and Ron Shafer could use the liquid

concrete for his legal business jobs (building a Greek-style amphitheater, remote control car racetrack, a parking lot, three roads, and other projects) this arrangement was to the mutual benefit of both parties. Ron Shafer had been doing concrete work off and on for 23 years with no problems and had been working for three years to finish the current jobs when he was put out of business by all Defendants. As a factual issue, USEPA Wetlands Enforcement carried out a 5 ½ month federal investigation on Petitioner's concrete business and concrete work and found Petitioner innocent of any civil or criminal wrongdoing in connection with Petitioner's use of liquid concrete.

DEFENDANTS UNJUSTLY ENFORCED LAW AGAINST PETITIONER

Although cleared by the USEPA Wetlands Enforcement Division of any violations concerning liquid concrete, Petitioner was deprived of the use of his property by Defendants, who were public officials, who used the Pontoon Beach Police Force to unjustly and incorrectly enforce federal law against him. Defendants had Pontoon Beach Village Police come to Petitioner's property to stop delivery of concrete by coercion of truck drivers. Police threatened them with arrest and jail if they delivered concrete to Petitioner. As a factual issue, USEPA Wetlands Enforcement informed Petitioner that when it came to federal law concerning wetlands that they were running the show, not the Village of Pontoon Beach, Madison County, or the State of Illinois.

Petitioner sued Defendants for Defamation of Character. The Judge denied Post-Judgement Motion. Petitioner Ron Shafer is still out of the concrete business and his jobs remain unfinished because of Defendants acting under the color of state law.

DEFENDANTS PERFORMED ILLEGAL WETLANDS FILLS

Defendants performed the illegal dumping of contaminated fuel oil tanks into wetlands in violation of the Clean Water Act. USEPA Wetlands enforcement has aerial photos showing four fuel tanks in wetlands on Fred and Kathy Smart Shafer's property with one tank to the northeast of the other three with 90% of the bulk of one tank being on their neighbor's property to the east of their property line. The tanks sat on both sides of their road.

Petitioner was cleared on concrete issues by the USEPA but the Defendants have not been cleared.

DEFENDANT MADE FALSE STATEMENTS IN ORDER TO COVER-UP THEIR OWN ILLEGAL ACTS

Defendants, both public and private, made false and misleading statements and reports to USEPA Wetlands Enforcement about Petitioner's concrete work using him as a diversion from their own illegal dumping of fuel tanks in wetlands and the filling of wetlands for pasture. In this way, Defendants deprived Petitioner of his concrete business (thereby denying him of use of his remote control car racetrack, Greek-style amphitheater and parking lot) with the general intent to thwart a federal investigation into their own illegal acts by making false statements to the USEPA about Petitioner while acting under the color of state law.

Senator Dick Durbin's office informed Petitioner that someone had falsely represented themselves as the Senator's Gateway staff in Collinsville Illinois, a blatant lie easily revealed by the simple fact that Senator Durbin never had an office in Collinsville, even while he was a State Representative. USEPA enforcement informed Petitioner that they received calls from this non-existent office made by Defendants attempting to divert the USEPA's attention away from their own misdeeds.

Attorney Harry Sterling and all Defendants except Don Rae walked down a road within 15 feet of the illegally dumped contaminated fuel tanks. The tanks were 30 feet long and stood some six feet out of the water. All Defendants and attorney Harry Sterling claim not to have seen these contaminated fuel tanks sitting in Defendant's wetland property. Defendants also knew about, and yet did not report, six other instances of illegal fills of wetland properties belonging to friends of the Defendants.

DEFENDANTS ILLEGALLY TRESSPASSED ON PETITIONER'S PROPERTY

Defendants Michelle Duell (a reporter from the Granite City Press Record) along with Mike Masick and Randy Presswood (Pontoon Beach Village Trustees) illegally trespassed on Ron Shafer's property ignoring clearly posted "No Trespassing" and "Keep Out" signs. Michelle Duell, working as an investigative reporter, searched the wetland areas of Ron Shafer's farm for instances of illegal dumping of liquid concrete and soon discovered that there were none. This left her with no story to report. At this point, Michelle Duell entered into the conspiracy with the other Defendants to develop a story for the Granite City Press Record. In the March 20, 1997 issue, Michelle Duell defamed Ron Shafer by printing false statements concerning his alleged illegal wetlands dumping activities that, from her own illegal search of Ron Shafer's property, she knew were false.

DEFENDANTS HELD PETITIONER UP TO PUBLIC RIDICULE

Defendants, acting under the color of state law, portrayed Petitioner as an offender who was dumping liquid concrete into wetlands and thereby breaking federal law by violating the Clean Water Act. They did this by defaming and demonizing Petitioner, holding him up to contempt and ridicule at public meetings and through newspaper articles in

the Granite City Press Record, a newspaper published by Suburban Newspapers of Greater St. Louis, Inc. Mike Masek, a public official, stated in a Press Record article dated March 20, 1997 that "We have been trying to stop this guy (Petitioner) for nine years." while Bob Barthellemy, also a public official, called Petitioner's concrete work "illegal filling." All Defendants knew that these statements were false when they made them with the general intent to deprive Ron Shafer of his rights guaranteed under the United States Constitution. All Defendants were personally involved in coercion of Petitioner.

ATTORNEY HARRY STERLING'S INVOLVEMENT

Fred and Kathy Smart Shafer and Bear Foot Inc have had Harry Sterling, an attorney well versed in what constitutes criminal activity, as their attorney for over 15 years. Attorney Harry Sterling visited Fred and Kathy Shafer's farm on several occasions while wetlands by the red barn at the southeast end of the farm were being filled for additional pasture. Harry Sterling made no report concerning the 30-foot long fuel tanks sticking some six feet out of the wetlands.

PETITIONER WAS DEPRIVED OF PROPERTY WITHOUT DUE PROCESS OF LAW.

Petitioner entered into verbal contract to receive concrete. Petitioner used concrete to build a parking lot and Greek-style amphitheater on his property. Defendants made false and defamatory statements to the Army Corps and USEPA Enforcement to the effect that Petitioner had violated federal law by filling wetlands with concrete. As a result, Petitioner lost the benefit of his concrete contract and was deprived the use of his property Defendant passed off reinforced structural concrete driveway work as illegal filling. Defendants were personally involved in acts and omissions that deprived Petitioner of his rights. Defendants who are public officials would resort to criminal coercion by

using Pontoon Beach police to restrict Petitioner's freedom to use liquid concrete provided to Petitioner for legal business applications. While acting under the color of law, Defendant Randy Presswood threatened to kill Petitioner over the liquid concrete issue if Petitioner did not keep quiet about this situation. Criminal coercion was used by public officials acting under the color of law to deprive Petitioner of his property in violation of rights guaranteed by the United States Constitution.

DEFENDANTS ACTING UNDER THE COLOR OF STATE LAW MADE FALSE AND DEFAMATORY STATEMENTS AGAINST PETITIONER.

Defendants used Defendant Bear Foot Inc.'s office to make fictitious reports by phone concerning Petitioner's concrete work. Defendants Don Rae and Fred Shafer admitted during a Pontoon Beach public meeting that they had reported Petitioner was pouring liquid concrete into wetlands and filling wetlands with liquid concrete. Defendants Fred and Kathy Smart Shafer, private individuals, were acting in conspiracy with state officials to deprive Petitioner of civil rights guaranteed by the XIV Amendment to the Constitution. All defendants made false and misleading statements about Petitioner's use of liquid concrete. All Defendants who are private individuals were personally involved in acts or omissions with public officials acting under the color of state law which violated Petitioner's rights. Petitioner is seeking money damages from both private and public individuals. Defendant Michelle Duell stated in the March 20, 1997 Granite City Press Record article that Petitioner's concrete consisted of such poor quality concrete that it cracked off the surface.

Dependant Michelle Duell illegally trespassed on Ron Shafer's property in the hopes of discovering a major story which could further her career at the Granite City Press

Record. To her disappointment, instead of a major scoop, all she found was the truth which was that Ron Shafer was innocent of any civil or criminal wrongdoing involving the liquid concrete received from Kienstra Concrete. Legal concrete work was ongoing and absolutely no illegal filling of wetlands was occurring. With an eye towards furthering her own career and with reckless disregard for the truth and malicious intent, Michelle Duell then exposed Ron Shafer to public scorn, hatred, contempt and ridicule by defaming him in her March 20, 1997 article which contained information she knew was false from her own illegal investigation. Such reckless disregard of the truth must be redressed for the injury it caused with a remedy to prevent it from recurring in the future.

Defendants who are public officials have participated with constituents in Pontoon Beach to help fill wetlands for years while using the Petitioner as a diversion to at least six separate fills in violation of federal law. All Defendants acted in an on-going pattern of multifarious conduct towards Army Corps and USEPA Wetlands Enforcement by non-disclosure and misleading them to the Petitioner as a repeat offender and as a recalcitrant so as to get an unfair advantage over Petitioner's legal use of concrete.

During a tour of Fred and Kathy Smart Shafer's property, reporter Michelle Duell could clearly see contaminated fuel tanks sitting in the wetland property of Petitioner's neighbors, Defendants Fred and Kathy Shafer. At approximately 30 feet in length and sticking out of the water as much as six feet, these tanks were impossible to overlook and yet no report of them ever occurred in the Press Record. Additionally, Mike Masick, Randy Presswood, and Building Inspector Bob Barthelemy were also aware that these fuel tanks sitting in wetlands constituted a criminal offense and yet they never reported them either.

Petitioner was denied due process of the law because of criminal acts committed by Defendants who committed felonious acts against Petitioner and USEPA Enforcement. 1.) criminal coercion 2.) extortion 3.) the criminal violation of dumping contaminated fuel tanks into wetlands without a permit 4.) making false and misleading statements to USEPA about Petitioner's concrete work while concealing the illegal disposal of fuel tanks into wetlands 5.) illegally making death threats against Petitioner and his family by Defendants if he informed the USEPA on them for acting in the color of office 6.) concealing from USEPA illegal fills for constituents who then support them financially and politically 7.) having police threaten Petitioner with arrest and jail when no laws had been broken by Petitioner. Ron Shafer was deprived of rights guaranteed by the Fifth, Eighth and Fourteenth Amendments to the U.S. Constitution.

All Defendants and attorney Harry Sterling claim not to have seen the contaminated fuel tanks sitting in Defendant's wetland property because they know that it was a criminal offense. It needed to be concealed to protect their friends and clients from criminal prosecution. Defendants and attorney Harry Sterling also had to protect themselves from obstruction of justice charges so they diverted all attention to Ron Shafer as someone out of control destroying federally protected wetlands by filling them with liquid concrete. This type of diversion had proven successful in the past when dealing with the Army Corps and USEPA and was always backed up against Ron Shafer with intimidation and criminal coercion by the use of local police.

All Defendants and attorney Harry Sterling would have the court believe that they never saw even one of the four large contaminated fuel tanks sitting in federally protected wetlands. They would have the court believe that

they never saw any of the 60 tandem truckloads of dirt hauled in and leveled off in wetlands. While they were inspecting Ron Shafer's concrete along the property line from Defendants Fred and Kathy Shafer's farm, they say they never saw anything wrong. They say they were acting in the line of duty as public servants for the benefit of the public. They say Ron Shafer was destroying federally protected wetlands with his concrete leftover from jobs in the area. All Defendants acting in concert benefited personally from defaming and slandering Ron Shafer. Had the Defendants in public office or the reporter cared about the public interest, they would have reported the contaminated fuel tanks leaking into wetlands. They would not have acted under the color of law had they actually cared about the federally protected wetlands. They would have the public and the USEPA believe that Ron Shafer was the bad guy wasting valuable investigative time on the part of USEPA enforcement. While keeping USEPA enforcement tied up with Ron Shafer and being the direct cause of misunderstanding between the USEPA and Ron Shafer's concrete work, they were able to conceal illegal activities from USEPA enforcement and to cover up illegal activities without getting caught by diverting USEPA attention. Mike Masick stated at a Pontoon Beach Village meeting that "we have been trying to stop this guy for nine years", words spoken with the apparent authority of law but actually in contravention of law used with the intent to deprive Ron Shafer of his concrete business and the ability to finish his concrete jobs, all to the detriment of Ron Shafer and his family.

Petitioner was deprived of rights guaranteed by the Eighth Amendment to the U.S. Constitution against cruel and unusual punishment. As a factual issue, Defendants used the Pontoon Beach Village Police Force to unjustly enforce federal law on Petitioner concerning the Clean Water

Act after Petitioner was completely cleared by the USEPA Wetlands Enforcement on concrete issues. Through these blatantly unjust measures, Defendants deprived Petitioner of a substantial amount of concrete and effectively ended his concrete business, thereby constituting cruel and unusual punishment. Petitioner was punished by Defendants acting under the color of state law.

REASONS FOR GRANTING THE WRIT

Petitioner has a valid case that public officials, acting under color of state law, violated Petitioner's due process rights to earn an honest living working with concrete as guaranteed under the Fourteenth Amendment of the United States Constitution. The lower courts deprived Petitioner due process of law by not allowing Petitioner's case to go forward against public officials who acted under the color of law. Petitioner was deprived of his property (liquid concrete) in violation of the Fifth and Fourteenth Amendment to the United States Constitution. Petitioner was punished and put out of the concrete business by public officials and Pontoon Beach police for allegedly violating federal law concerning the Clean Water Act after having been completely cleared by USEPA Wetlands Enforcement. Petitioner was deprived of civil rights guaranteed by the Eighth Amendment to the United States Constitution against cruel and unusual punishment inflicted upon him by public officials acting under color of office.

Defendants who are public officials have participated with constituents in Pontoon Beach, Illinois to help fill wetlands in violation of the Clean Water Act, a federal law. Defendants acted in an ongoing pattern of multifarious conduct towards the Army Corps and USEPA Wetlands Enforcement by non-disclosure of illegal filling of wetlands and illegal dumping of contaminated fuel oil tanks into

wetlands. The USEPA has aerial photos of fuel tanks in wetlands and this case needs to go before the court to redress the ongoing actions of public officials acting under the color of law and for violating Petitioner's civil rights guaranteed by the United States Constitution.

CONCLUSION

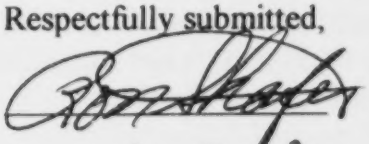
The Court should grant Certiorari to review the Third Judicial Circuit Court of Madison County, Illinois treatment on Petitioner's Fourteenth Amendment rights raised again by Petitioner on June 17, 1998 but dismissed by the Court on June 19, 1998.

The Court should grant Certiorari to review the trial court's ability to make credible determinations concerning public officials acting under the color of law depriving Petitioner of his rights guaranteed by the United States Constitution raised again on June 17, 1998 that Don Rea, Bob Barthelemy, Randy Presswood, and Mike Masek were done with the apparent authority of law, but actually a contravention of law, that deprived Petitioner of his civil rights. This was also dismissed by the Third Circuit Court of Madison County Illinois June 19, 1998.

Finally, all Defendants acted in concert under the color of state law depriving Petitioner Ron Shafer of rights guaranteed by the United States Constitution and used Petitioner Ron Shafer as a diversion to their own criminal activity. Because our government is based on the Rule of Law and the United States Constitution, the actions of these public officials acting under the color of law jeopardizes not only the Petitioner but all citizens as well. Plaintiff Petitioner Ron Shafer respectfully requests that this United

States Supreme Court grant Petitioner a Writ of Certiorari.

Respectfully submitted,



Date: 4-7-00

No. _____

_____

App. 1

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

RON SHAFER,	)
	)
Plaintiff-Appellant	)
	)
vs.	) No. 98-L-202
	)
SUBURBAN NEWSPAPERS OF GREATER ST. LOUIS, INC., GRANITE CITY PRESS RECORD, MICHELLE DUELL, BOB BARTHELEMY, RANDY PRESSWOOD, FRED SHAFER, KATHY SMART SHAFER, BEAR FOOT, INC., MIKE MASEK, and DON REA,	) Filed Jun 17, 1998
Defendants	)

Motion For Continuance

Comes NOW Plaintiff, through the undersigned and hereby requests continuance of court date June 19, 1998 that it be reset for a later date due to previous hearing set for same day #91L-226 expected to last three or four hours before Honorable Judge Hennessay. Suggestions in Support.

1. That Plaintiff had hearing already set for June 19, 1998 before Judge Hennessay.

2. That no party will be unduly prejudiced by granting such continuance.

3. That Plaintiff has a right not to have any law enforced which shall abridge the privileges or immunities of citizens of the United States nor deprive Plaintiff of his property consisting of liquid concrete without due process of law is guaranteed in Fourteenth Amendment.

4. That Plaintiff should be given a Continuance to seek a Remedy for injury caused to him by Defendants.

5. That Defendants Don Rea, Bob Barthelemy, Randy Presswood and Mike Masek's actions as building inspector, county legislator and Village Trustees where done with the apparent authority of law but actually in reality a contravention of law giving Plaintiff a cause of action because Plaintiff was deprived of his civil rights. 42 U.S.C. 1983.

6. That Plaintiff also has not obtained attorney at this time and requests continuance also for this reason.

7. That continuance should be granted so that Plaintiff can prove an unlawful interference with his verbal contract with Kienstra Concrete because Defendants actions were not justifiable trespass (De Bonis Asportatis).

Wherefore, for reasons stated above Plaintiff Ron Shafer prays that this court enter an Order granting

Plaintiff Ron Shafer a Continuance and a new hearing date be set at the Court's convenience.

Respectfully Submitted,

Ron Shafer Tree Farm

By Ron Shafer

App. 4

THIRD JUDICIAL CIRCUIT,

MADISON COUNTY, ILLINOIS

RON SHAFER,	)
	)
Plaintiff-Appellant	)
	)
	) No. 98-L-202
	)
	) Filed Jun 19, 1998
SUBURBAN NEWSPAPERS OF GREATER ST. LOUIS, INC., GRANITE CITY PRESS RECORD, MICHELLE DUELL, BOB BARTHELEMY, RANDY PRESSWOOD, FRED SHAFER, KATHY SMART SHAFER, BEAR FOOT, INC., MIKE MASEK, and DON REA,	)
	)
Defendants-Appellees	)

ORDER

Section 2-619 Motion to Dismiss filed by Defendant pursuant to Illinois Supreme Court Rule 304A, case ordered dismissed with prejudice. Court expressly finds that there is no just reason to delay enforcement or appeal of this order.

S./ by David Herdon
Judge

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

RON SHAFER,	)
	)
Plaintiff-Appellant	)
	)
vs.	) No. 98-L-202
	)
SUBURBAN NEWSPAPERS OF GREATER ST. LOUIS, INC., GRANITE CITY PRESS RECORD, MICHELLE DUELL, BOB BARTHELEMY, RANDY PRESSWOOD, FRED SHAFER, KATHY SMART SHAFER, BEAR FOOT, INC., MIKE MASEK, and DON REA,	) Filed Jul 20,1998
	)
Defendants	)

POST-JUDGEMENT MOTION

Comes now the Plaintiff, RON SHAFER, by his attorney, Don A. Shaffer, Shaffer Law Office, and moves the grant to grant relief from the Orders entered June 19, 1998. In support of this motion, Plaintiff states:

1. This Court, on June 19, 1998, entered four (4) Orders, dismissing Plaintiff's Complaint against all named Defendants.

2. At the time of the hearing on June 19, 1998, Plaintiff was acting pro se.

3. Since that time, Plaintiff has contacted an attorney, who is in the process of reviewing the pleadings filed to date and the facts alleged.

4. Plaintiff believes that the facts support allegations forming the basis of valid causes of action against the various Defendants, including facts that will overcome the various defenses raised by the Defendants in their pleadings.

5. Based on the foregoing, Plaintiff requests relief from this Court from the Order entered June 19, 1998, dismissing Plaintiff's First Amended Complaint, and requests leave to file a Second Amended Complaint.

WHEREFORE, Plaintiff prays the Court to enter an Order reversing the prior Orders entered June 19, 1998, in which Plaintiff's First Amended Complaint was dismissed against all Defendants. Further, Plaintiff prays the Court to enter an Order granting leave to file a Second Amended Complaint.

By_____

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App. 7

THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

RON SHAFER	)NO 98-L-202
Plaintiff	)
	)
Vs.	)filed Nov 13, 1998
	)
SUBURBAN NEWSPAPERS	)
ET AL.	)
Defendant	)

ORDER

PLAINTIFF'S POST-JUDGEMENT MOTION FILED 7-20-98 CALLED FOR HEARING ON DUE NOTICE TO ALL COUNSEL, THE COURT HERE BY DENIES PLAINTIFF'S POST-JUDGEMENT MOTION.

THIS IS A FINAL, APPEALABLE ORDER. ALL LATER SETTINGS OF THIS POST-JUDGEMENT MOTION ARE STRICKEN AS MOOT.

Date: November 13, 1998 S/. By David Herndon
Judge

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

RON SHAFER,	) filed Dec 14, 1998
	)
Plaintiff-Appellant	)
	)
vs.	) No. 98-L-202
	)
SUBURBAN NEWSPAPERS OF GREATER ST. LOUIS, INC., GRANITE CITY PRESS RECORD, MICHELLE DUELL, BOB BARTHELEMY, RANDY PRESSWOOD, FRED SHAFER, KATHY SMART SHAFER, BEAR FOOT, INC., MIKE MASEK, and DON REA,	)
	)
Defendants	)

NOTICE OF APPEAL

Notice is hereby given that Plaintiff/Appellant, Ron Shafer, appeals the Order Enter on November 13, 1998, wherein Plaintiff/Appellant's Post-Judgement Motion Was denied. Plaintiff/Appellant seeks reversal of said Order.

By S/._____

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App. 9

NO. 5 98-0828

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

RON SHAFER,	) Appeal from the
	) Circuit Court of
Plaintiff-Appellant	) Madison County.
	)
	) No. 98-L-202
	)
	) Filed Sept 10, 1998
SUBURBAN NEWSPAPERS OF GREATER ST. LOUIS, INC., GRANITE CITY PRESS RECORD, MICHELLE DUELL, BOB BARTHELEMY, RANDY PRESSWOOD, FRED SHAFER, KATHY SMART SHAFER, BEAR FOOT, INC., MIKE MASEK, and DON REA,	)
	)
Defendants-Appellees	)

ORDER

This cause coming on to be heard on the court's own motion, and the court being advised in the premises, finds:

That on March 20, 1998, plaintiff, Ron Shafer, filed a *pro se* four count complaint directed against 10 defendants

alleging that all the defendants (acting in concert) caused an article to be published in the Granite City Press Record (a newspaper published by Suburban Newspapers of Greater St. Louis, Inc.) on March 20, 1997, which allegedly contained false and defamatory statements concerning the Plaintiff. Specifically, Plaintiff claims that the Defendants acted in concert to contact the U.S. EPA, and a reporter from the Granite City Press Record for the purpose of making allegedly false and defamatory statements about the Plaintiff which caused him to lose his "contract" with Kinstra Concrete. Plaintiff sought both compensatory and punitive damages from the Defendants;

That Plaintiff was able to effect service on nine of the ten Defendants. Defendant Michelle Duell, (the reporter with the Granite City Press Record), was never served. The nine remaining Defendants all filed separate motions to dismiss Plaintiff's complaint. The various motions to dismiss filed by the nine Defendants were all granted, and Plaintiff was granted leave to file an amended complaint;

That Plaintiff's *pro se* first amended, filed on May 22, 1998, contained 34 counts and was again directed against the same 10 Defendants. Nine of the Defendants filed motions to dismiss Plaintiff's first amended complaint. (Defendants Michelle Duell was not served with this first amended complaint);

That on June 19, 1998, the trial court entered four separate orders addressing all the motions to dismiss filed by the four law firms which represented one or more of the nine Defendants. Each one of these four orders dismissed Plaintiff's first amended complaint with prejudice;

That on July 20, 1998, defendant (sic) filed a "Post-Judgement Motion" asking that the court enter an order granting him leave to file a second amended complaint;

That on November 13, 1998, Plaintiff filed a notice of appeal from the trial court's November 13, 1998, denial of his postjudgment motion;

That on December 14, 1998, Plaintiff filed a notice of appeal from the trial court's November 13, 1998, denial of his postjudgment motion;

That pursuant to Supreme Court Rule 303(a)(1), a notice of appeal must be filed within 30 days after entry of the final judgment appealed from, or if a timely posttrial motion directed against the judgment has been filed, within 30 days after entry of the order disposing of the last pending postjudgment motion. 155 Ill. 2d R. 303(a)(1). In order to qualify as a postjudgment motion, the motion must request at least one of the forms of relief specified in section 2-1203 of the Code of Civil Procedure (735 ILCS 5/2-1203 (1999)), it must specify the grounds that would warrant granting the relief requested, and it must be filed with the clerk. *Sho-Deen, Inc. v. Michel*, 263 Ill. App. 3d 288, 291, 635 N.E.2d 1068 (1994);

That section 2-1203 provides that in cases tried without a jury any party may, within 30 days after entry of the judgment, file a motion for a rehearing, a retrial, a modification or vacation of the judgment, or other relief. 735 ILCS 5/2-1203 (1999). The Illinois Supreme Court has held that a motion for leave to amend is not a valid postjudgment motion cognizable by the circuit court of capable of extending the time for filing a notice of appeal under Supreme Court Rue 303(a)(1). *Anderson v. Resource Economics Corp.*, 133 Ill. 2d 342, 346, 549 N.E.2d 1262,

1264 (1990). This is because a motion for leave to amend is not "directed against the judgment" within the meaning of Rule 303(a)(1), nor is a motion to amend encompassed within the relief specified in section 2-1203. *Anderson*, 133 Ill. 2d at 347, 549 N.E.2d at 1264, citing *Fultz v. Haugan*, 49 Ill. 2d 131, 135-36, 305 N.E.2d 873 (1971);

That in *Anderson* the supreme court declined to find that a motion for leave to file a third amended complaint was a valid postjudgment motion. *Anderson*, 133 Ill. 2d at 344, 549 N.E.2d at 1263. The Plaintiff claimed that his motion for leave to file a third amended complaint was in the nature of a posttrial motion. *Anderson*, 133 Ill. 2d at 344, 549 N.E.2d at 1263. The supreme court stated that the motion was "nothing more than a title and an ambiguous prayer for relief with absolutely no substance in between" and to call the motion a post-judgment motion "would be to blindly adhere to nomenclature at the expense of reality." *Anderson*, 133 Ill. 2d at 347, 549 N.E.2d at 1265;

That an examination of Plaintiff's "postjudgment motion" in the instant case reveals that it is not a valid postjudgment motion. Plaintiff's motion states as follows:

"Comes now the Plaintiff, Ron Shafer, by his attorney, Don A. Shaffer, Shaffer Law Office, and moves the grant to grant (sic) relief from the orders entered June 19, 1998. In support of this motion, Plaintiff states:

1. This court, on June 19, 1998, entered four (4) orders, dismissing Plaintiff's Complaint against all named Defendants.

2. At the time of the hearing on June 19, 1998, Plaintiff was acting *pro se*. Since that time, Plaintiff has contacted an attorney, who is in the process of reviewing the pleading filed to date and the facts alleged.

3. Plaintiff believes that the facts support allegations forming the basis of valid causes of action against the various Defendants, including acts that will overcome the various defenses raised by the Defendants in their pleadings.

4. Based on the foregoing, Plaintiff requests relief from the Court from the Orders entered June 19, 1998, dismissing Plaintiff's First Amended Complaint, and request leave to file a Second Amended Complaint.

Wherefore, Plaintiff prays the Court (sic) to enter an Order reversing the prior Orders entered June 19, 1998, in which Plaintiff' First Amended Complaint was dismissed against all Defendants, Further, (sic) Plaintiff prays the Court to (sic) enter an Order granting leave to file a Second Amended Complaint."

Although the Plaintiff in the instant case titled his motion a "Post-Judgment Motion," the substance of the motion reveals that it is nothing more than a motion seeking leave to file an amended complaint. This is similar to the motion that was at issue in the *Anderson* case cited above. Nowhere in Plaintiff's motion doe Plaintiff request that the trial court reconsider or vacate its dismissal with prejudice of Plaintiff's multi-count defamation suit, nor does Plaintiff's "postjudgment motion" offer any argument warranting such relief. Plaintiff is simply requesting leave to file an amended complaint. As the supreme court stated in *Anderson*, to call Plaintiff's motion a postjudgment motion "would be to blindly adhere to nomenclature at the expense of reality." *Anderson*, 133 Ill. 2d at 347, 549 N.E.2d at 1265;

That the substance of Plaintiff's motion in this case did not allege that the trial court's ruling was in error, nor was it directed against the judgment within the meaning of Supreme Court Rule 303(a)(1). Inasmuch as Plaintiff failed to set forth any basis that would have warranted the trial court's reconsideration or vacation of its order dismissing Plaintiff's defamation suit with prejudice, Plaintiff's motion was not a valid postjudgment motion and thus did not extend the 30 day time limit for filing a notice of appeal to this court;

That Plaintiff's notice of appeal in this case was filed on December 14, 1998, more than 30 days after the June 19, 1998, order dismissing Plaintiff's defamation suit with prejudice.

IT IS THEREFORE ORDERED that Plaintiff-Appellant, Ron Shafer, be, and he hereby is, GRANTED 14 days within which to show cause why his appeal should not be dismissed for lack of jurisdiction for the reasons stated above.

App. 15

NO. 5 98-0828

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

RON SHAFER, Plaintiff-Appellant v. SUBURBAN NEWSPAPERS OF GREATER ST. LOUIS, INC., GRANITE CITY PRESS RECORD, MICHELLE DUELL, BOB BARTHELEMY, RANDY PRESSWOOD, FRED SHAFER, KATHY SMART SHAFER, BEAR FOOT, INC., MIKE MASEK, and DON REA, Defendants-Appellees	) Appeal from the) Circuit Court of) Madison County.)) No. 98-L-202))) filed Sept 13, 1999))))))))

ORDER

This cause coming on to be heard on the response of defendant-appellant, Ron Shafer, to this court's show-cause order of August 20, 1999, and the court being advised in the premises.

IT IS THEREFORE ORDERED that the appeal of plaintiff-appellant, Ron Shafer, be, and the same hereby is, dismissed for lack of-jurisdiction for the reasons set forth in this court" order of August 20, 1999.

App. 17

NO. 88423

IN THE

SUPREME COURT OF ILLINOIS

FIFTH DISTRICT

RON SHAFER, Plaintiff-Appellant v. SUBURBAN NEWSPAPERS OF GREATER ST LOUIS, INC., GRANITE CITY PRESS RECORD, MICHELLE DUELL, BOB , BARTHELEMY, RANDY PRESSWOOD, FRED SHAFER, KATHY SMART SHAFER, BEAR FOOT, INC., MIKE MASEK, and DON REA, Defendants-Appellees	) On Petition for leave) to Appeal from the)Appellate Court of)Illinois Fifth District) No. 5-98-0828 there)heard on appeal from)Circuit Court of)Madison County)No. 98. L206))))))))

ORDER

Petition for Leave to Appeal Denied Dec 1, 1999